



BASICS OF FAIR HOUSING

SERI AND FAIR HOUSING



- SERI partners with limited-income and minority communities.
- SERI awarded \$125K in grant funding from HUD.
- SERI Fair Housing Initiative Program - Education and Outreach Initiative (EOI).



PROGRAM PARTNERS



**Southwest Fair Housing Council
(SWFHC)**

<https://swfhc.org>

(520) 798-1568



**Arizona Commission for the
Deaf and the Hard of Hearing**

<https://www.acdhh.org>

info@acdhh.az.gov

(602) 542-3323



**City of Tucson
Housing and Community Development**
www.tucsonaz.gov/housing-and-community-development

HCDAdmin@tucsonaz.gov

520-791-4171



PROGRAM PARTNERS

FHR

Family Housing Resources

<https://www.fhrtucson.org/>

info@fhrinc.net

520-318-0993



Tucson Tenants Union

<https://www.tucson tenants union.org/>

zaira@peoplesdefenseinitiative.org



Pima County Community Land Trust

<https://www.pcclt.org/>

info@pcclt.org

(520) 603-0587



FAIR HOUSING HISTORY



Segregated By Design



**A Silkworm Studio Film
Directed by Mark Lopez**



HISTORY OF THE FAIR HOUSING ACT

July 2, 1964

President Lyndon B. Johnson signs the Civil Rights Act of 1964.

1966-1967

U.S. Congress attempts to pass the fair housing bill.

April 4, 1968

Dr. Martin Luther King, Jr. is assassinated.

April 11, 1968

President Lyndon B. Johnson signs the Civil Rights Act of 1968 (Fair Housing Act).

April 1969

The Fair Housing Act has its 1st year anniversary.



THE FAIR HOUSING ACT (FHA)

- Signed by President Lyndon B. Johnson on April 11, 1968.
- Making it illegal for people to discriminate in housing based on an individual's race, color, national origin, religion, sex, familial status, and disability.
- The FHA defines these as their seven federally protected classes.



President Lyndon B. Johnson signing the Fair Housing Act on April 11, 1968. (Photo Credit: *Smithsonian*)



Seven Days Documentary



**50th Anniversary of the passage of the 1968 Fair Housing Act and
the National Fair Housing Alliance's 30th Anniversary**



WHERE DOES THE FAIR HOUSING ACT APPLY?





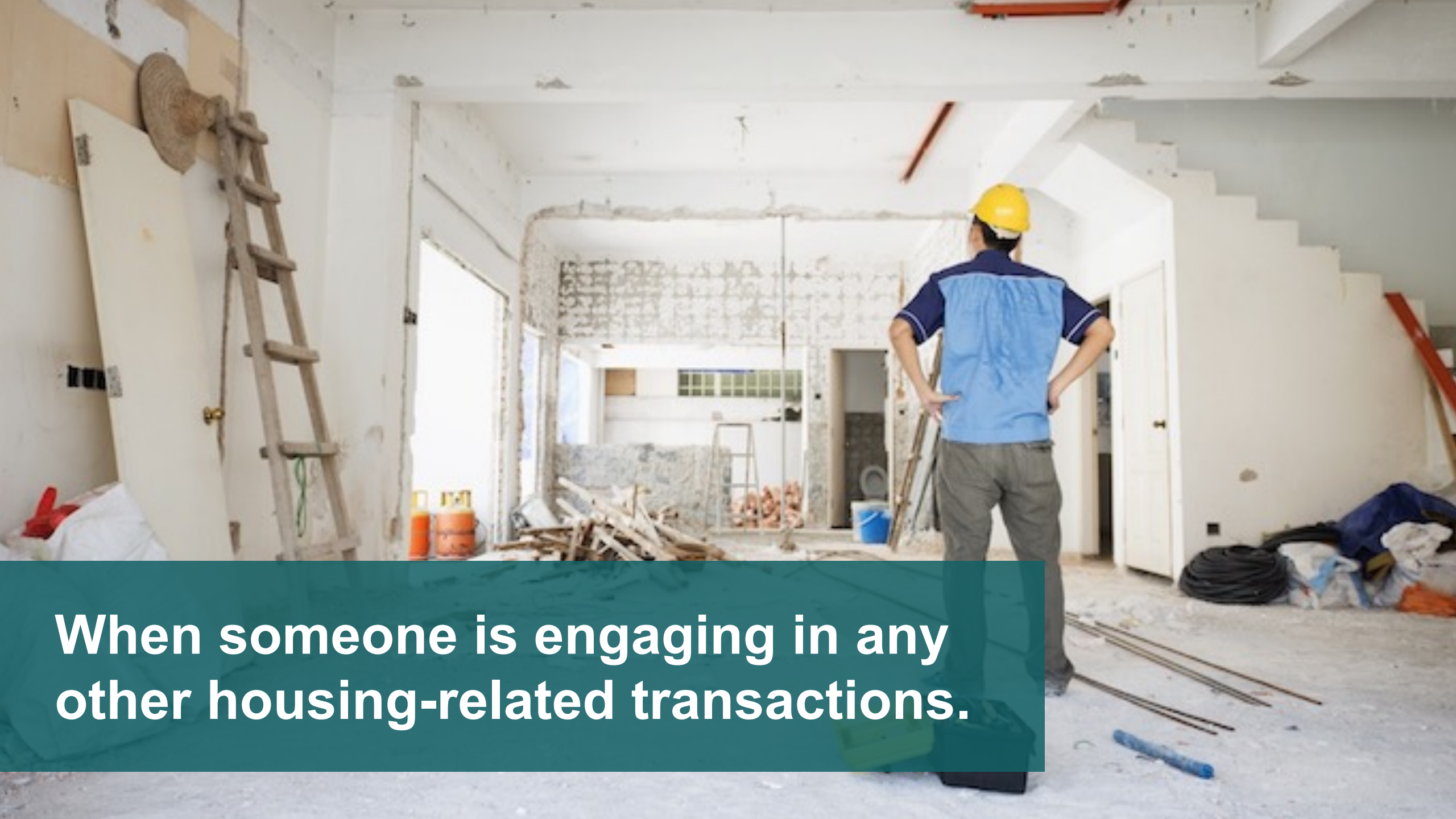
**When someone is
renting or buying a home.**

A couple is sitting at a wooden desk in a bright, sunlit room. The man, wearing a dark sweater, has his hands clasped on the desk. The woman, wearing a white button-down shirt, is looking down at a laptop. On the desk, there are car keys with a red and yellow toy car attached, and a clipboard with a document labeled 'CONTRACT'. A hand is visible on the right, holding a black stapler and stapling the contract. The background shows a window with a grid pattern, letting in warm sunlight.

**When someone is
getting a mortgage.**



When someone is seeking housing assistance.



When someone is engaging in any other housing-related transactions.

Complaints by Transaction Type in 2022

	Rental	Sales	Lending	Insurance	Harassment	Advertising	HOA/Condo	Other	Total
NFHA Members	21,887	303	183	27	915	205	227	657	24,404
HUD	1,172	116	98	1	0	0	0	528	1,915
FHAPs	4,256	498	79	3	0	0	0	1,816	6,652
DOJ	21	0	5	0	0	1	0	9	36
Total	27,336	917	365	31	915	206	227	3,010	33,007
Percent of Total	82.82%	2.78%	1.11%	0.09%	2.77%	0.62%	0.69%	9.12%	

The Fair Housing Act vs. AZ Residential Landlord and Tenant Act

Fair Housing Act

- Protects people from being discriminated in any housing related transaction due to their race, color, national origin, religion, sex, familial status, and disability.

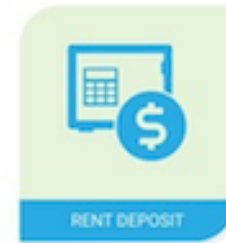


(Photo Credit: *Equal Rights Center*)

The Fair Housing Act vs. AZ Residential Landlord and Tenant Act

AZ Residential Landlord and Tenant Act (A.R.S. Title 33 Chapter 10)

- Landlord obligations, tenant obligations, disclosures, security deposits, late fees, withholding rent, right to enter, eviction notices, increasing rent, eviction/termination, and more.



IMPORTANCE OF FAIR HOUSING WORK



- Equal opportunity for all in housing.
- To eliminate biases and prejudices in our community.



IMPORTANCE OF FAIR HOUSING WORK



- Where one lives matters for having access to goods and services, education, food, healthcare, and opportunities for social and professional mobility.

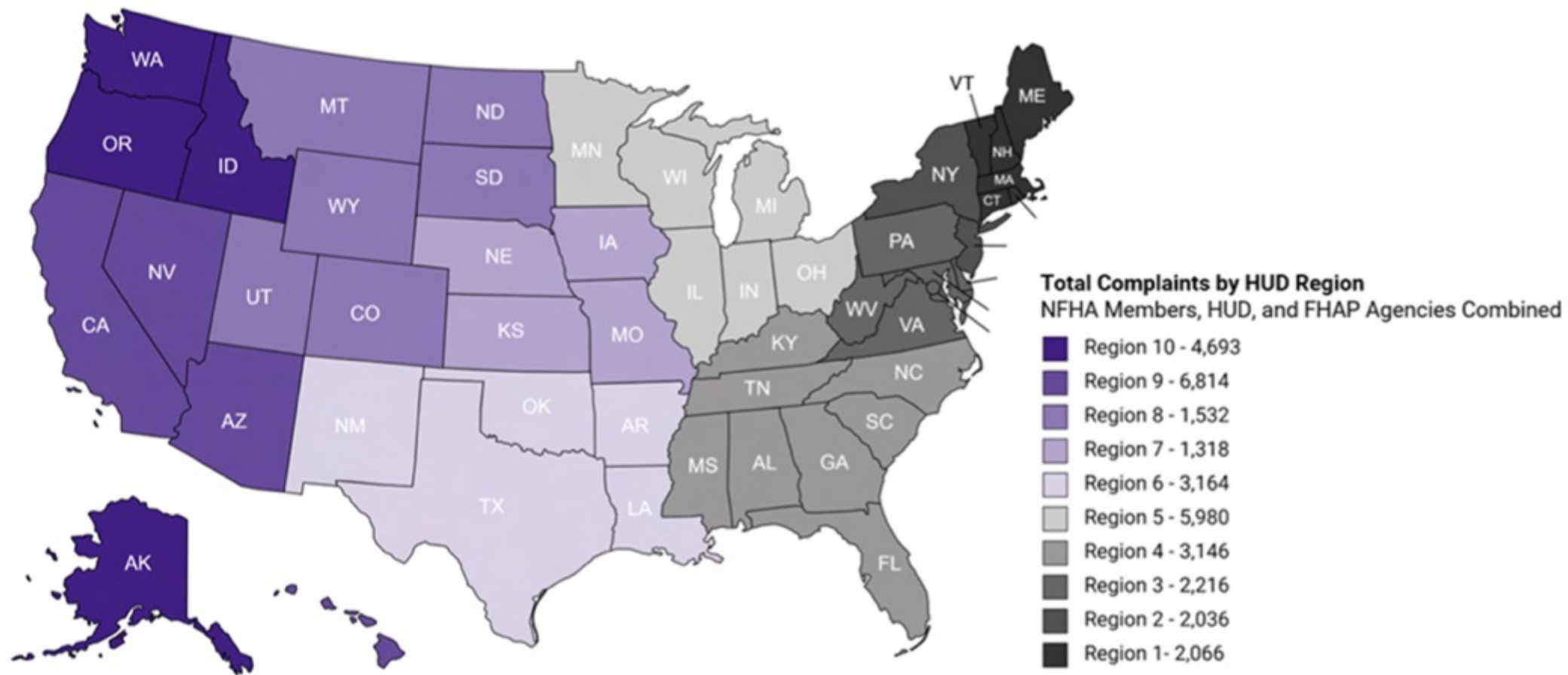


IMPORTANCE OF FAIR HOUSING WORK



- Housing markets drives education, employment, health, safety, insurance rates, municipal and commercial services, and wealth (e.g., home equity).

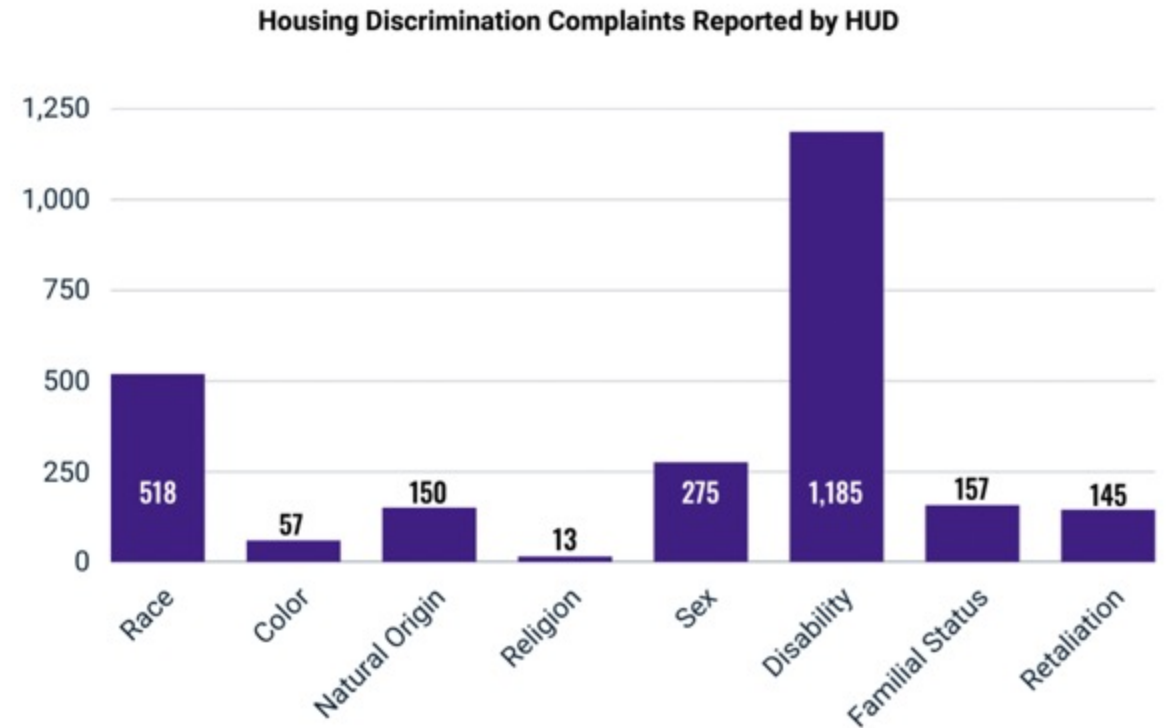
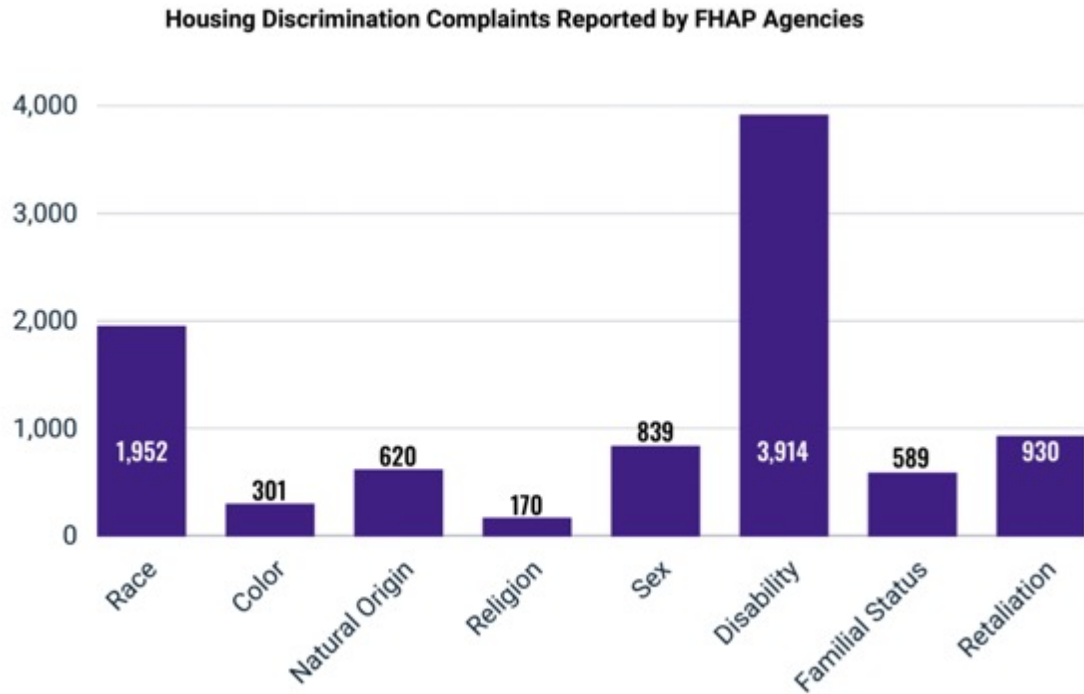




Trends Report 2023
National Fair Housing Alliance

Complaint Data by Basis and Agency in 2022

	Race	Disability	Familial Status	Sex	National Origin	Color	Religion	Other	Total
NFHA Members	3,344	12,464	1,400	1,373	864	251	170	4,538	24,404
HUD	518	1,185	157	275	150	57	13	145	1,915
FHAPs	1,952	3,914	589	839	620	301	170	930	6,652
DOJ	5	17	1	3	1	0	0	9	36
Total	5,819	17,580	2,147	2,490	1,635	609	353	5,622	33,007
Percent of Total	17.63%	53.26%	6.50%	7.54%	4.95%	1.85%	1.07%	17.03%	



7 PROTECTED CLASSES

RACE



- A family, tribe, or group of people coming from the same common ancestors.
- E.g., Discrimination against African Americans by a Caucasian apartment manager.

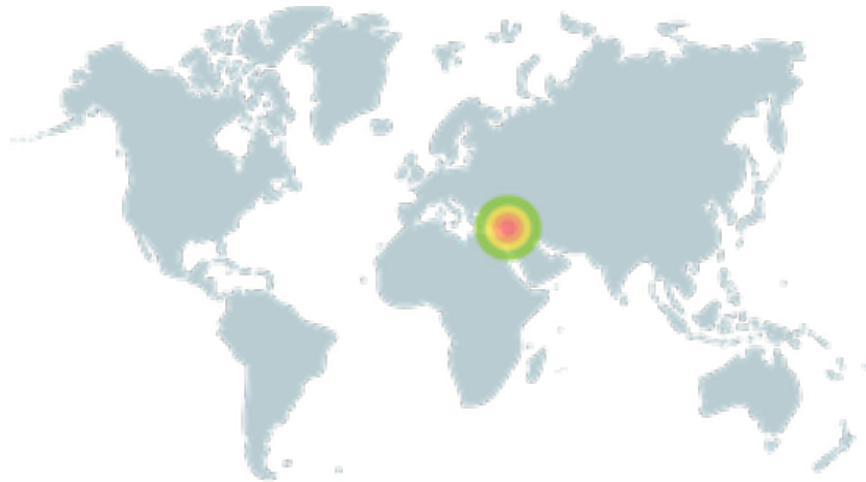


COLOR

- The visible color of a person's skin.
- E.g., Only renting to light-skinned African Americans and not dark-skinned African Americans.



NATIONAL ORIGIN



- The country in which a person was born.
- Where a person's ancestors are from.
- A person's culture or language.



NATIONAL ORIGIN

- E.g., Selectively screening potential and existing tenants for citizenship and immigration status.
- E.g., Refusing to rent to refugees.



RELIGION



- All aspects of religious belief, observance, and practice.
- Both the practice and non-practice of religion (e.g., atheism and religions outside the mainstream).
- E.g., Being treated differently in housing because you wear a headscarf.



SEX

- Gender (male or female) and biological sex.
- Sexual orientation and gender identity.



SEX



- E.g., Delay or denial of a rental property, or less favorable terms, to a female.
- E.g., A transgender woman is asked by the property manager to dress in women's clothing in the common areas of the property.
- E.g., A gay male is evicted because the landlord believes he will infect other tenants with HIV/AIDS.



FAMILIAL STATUS



- Where there is one or more persons under age 18 who live with a parent, legal guardian, etc.
- A pregnant women.
- Single-parent households and same-sex couples with children.
- Individual or couple who are in-the-process of gaining legal custody of a person under age 18.



FAMILIAL STATUS



- E.g., Forcing families with children to live on the first floor, or not renting to individuals with children.
- E.g., Requiring that families with kids leave the community pool after 5 p.m. while other tenants without kids still have access to it.



DISABILITY

- Someone with a physical or mental impairment.
- People who are regarded as disabled or have a record of a disability.
- Association with someone with a disability.



DISABILITY



**NO PET
ALLOWED**

- E.g., Not allowing a disabled individual to have an assistance animal in their apartment.
- E.g., A housing provider failing to provide an elevator for a multistory building.
- E.g., Denying a tenant's reasonable accommodation request to have their family/friend handle rent payments due to their developmental disability.



THE FAIR HOUSING ACT





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FAIR HOUSING ACT

Sec. 800. [42 U.S.C. 3601 note] Short Title

This title may be cited as the "Fair Housing Act".

Sec. 801. [42 U.S.C. 3601] Declaration of Policy

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

Sec. 802. [42 U.S.C. 3602] Definitions As used in this subchapter--

1. (a) "Secretary" means the Secretary of Housing and Urban Development.
- (b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (c) "Family" includes a single individual.
- (d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 [of the United States Code], receivers, and fiduciaries.
- (e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (f) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, 806, or 818 of this title.
- (g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.
- (h) "Handicap" means, with respect to a person--
 1. (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
 - (2) a record of having such an impairment, or
 - (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
- (i) "Aggrieved person" includes any person who--
 1. (1) claims to have been injured by a discriminatory housing practice; or
 - (2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

GENERAL INFORMATION
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LEADERSHIP

Kristen Clarke

Assistant Attorney General

CONTACT

Civil Rights Division

(202) 514-3847

Telephone Device for the Deaf
(TTY) (202) 514-0716



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PROTECTING THE RIGHTS
OF SERVICE MEMBERS

STATUTORY AND REGULATORY FRAMEWORK

- Section 801 – Declaration of Policy
- Section 802 – Definitions
- Section 804, 805, 806, and 818 – Prohibitions



FAIR HOUSING ACT PROHIBITIONS



SECTION 804(A)



It is unlawful to:

- Refuse to rent or sell housing.
- Refuse to negotiate for housing.
- Make housing otherwise unavailable.
- Deny a dwelling.



SECTION 804(B)

It is unlawful to:

- Set different/less favorable terms, conditions, or privileges for sale or rental of a dwelling.
- Provide a person different/less favorable housing services or facilities of a dwelling.



SECTION 804(C)



It is unlawful to:

- Create oral or written advertisement, notice, or statement indicating a limitation or preference based on one or more protected classes.



SECTION 804(D)

It is unlawful to:

- Create misrepresentation concerning availability of housing.



SECTION 804(E)

It is unlawful to:

- Persuade owners to sell or rent because of the entry of a protected class in a neighborhood (blockbusting).



SECTION 804(F)

It is unlawful to:

- Discriminate on the basis of disability.



ACCESSIBILITY FEATURES FOR NEW CONSTRUCTION

- Under FHA “Design and construct” certain new multi-family dwellings so that they are accessible to and usable by persons with disabilities, and particularly people who use wheelchairs.”
- Under FHA all newly constructed multi-family dwellings of four or more units used for first occupancy after March 13, 1991, must have certain features.



SECTION 805

It is unlawful to:

- Refuse to make a mortgage loan.
- Discriminate in appraising property.
- Refuse to provide information regarding loans.
- Set different/less favorable terms or conditions for making or purchasing a loan.



SECTION 806



It is unlawful to:

- Deny any person access to, membership of, or participation in any multiple listing service (MLS), real estate brokers' organization or other service... or conditions of such access.



SECTION 818

It is unlawful to:

- Interfere, coerce, or intimidate (retaliation) with anyone exercising or enjoying their fair housing rights or assisting others who exercise their right under Section 803, 804, 805, or 806 of the FHA.



Use of Criminal Records by Housing Providers

Across the United States, African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population.⁸ Consequently, criminal records-based barriers to housing are likely to have a disproportionate impact on minority home seekers. While having a criminal record is not a protected characteristic under the Fair Housing Act, criminal history-based restrictions on housing opportunities violate the Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., discriminatory effects liability).⁹ Additionally, intentional discrimination in violation of the Act occurs if a housing provider treats individuals with comparable criminal history differently because of their race, national origin or other protected characteristic (i.e., disparate treatment liability).

Use of Criminal Records by Housing Providers

A housing provider violates the Fair Housing Act when the provider's policy or practice has an unjustified discriminatory effect, even when the provider had no intent to discriminate.¹⁰ Under this standard, a facially-neutral policy or practice that has a discriminatory effect violates the Act if it is not supported by a legally sufficient justification. Thus, where a policy or practice that restricts access to housing on the basis of criminal history has a disparate impact on individuals of a particular race, national origin, or other protected class, such policy or practice is unlawful under the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the housing provider, or if such interest could be served by another practice that has a less discriminatory effect.¹¹ Discriminatory effects liability is assessed under a three-step burden-shifting standard requiring a fact-specific analysis.¹²

HUD ENFORCES CIVIL RIGHTS LAWS

- Title VIII of the Civil Rights Act of 1968 (fair housing act)
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act of 1990
- Executive Order 11063



POTENTIAL SIGNS OF DISCRIMINATION

“

**WE ONLY TAKE PEOPLE WHO
SPEAK ENGLISH CLEARLY.**

”

LINGUISTIC PROFILING

- Identifying someone's social characteristics based on auditory cues (dialect and accent) to discriminate in housing based on one's race, ethnicity, gender, sexual orientation, and more.



“

**YOU MIGHT BE MORE
COMFORTABLE LIVING
ELSEWHERE. I’LL SHOW YOU
NEIGHBORHOODS WITH
MOSQUES.**

”

“

**STEPS ARE ALL WE HAVE.
WE CAN'T ACCOMMODATE
A WALKER FOR YOU.**

”

“

**THERE'S A LOT OF TRAFFIC IN
THIS AREA. IT ISN'T SAFE FOR
KIDS TO LIVE HERE.**

”

“

**WE RECOMMEND YOU AND
YOUR FAMILY RENT ON THE
FIRST FLOOR.**

”

“

**TOILET AND WASHER REPAIRS
ARE NOT AVAILABLE UNTIL
NEXT WEEK.**

”

“

**DUE TO YOUR BACKGROUND,
WE WILL NEED TO COLLECT
ADDITIONAL DOCUMENTS.**

”

“

**NO DOGS ALLOWED ON THIS
PROPERTY, NO EXCEPTIONS. ”**



EXEMPTIONS TO THE FAIR HOUSING ACT



Single-Family House (Section 803)

Mrs. Murphy (Owner-Occupied) Property (Section 803)

Religious Organizations or Private Clubs (Section 807)



Housing for Older Persons (Section 807)



**Persons convicted of illegal drug manufacturing
or distribution (Section 807 (b)(4))**

**Persons whose tenancy presents a direct threat to
health, safety, or property (Section 804 (f)(9))**

Reasonable occupancy standards



CODE OF FEDERAL REGULATIONS

TITLE 24 (HOUSING AND URBAN DEVELOPMENT) PART 100 - DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT

SECTION 100.7

LIABILITY FOR DISCRIMINATORY HOUSING PRACTICES

- Direct liability
- Vicarious liability

LAWSUIT



FAIR HOUSING CASES

APPRAISAL BIAS

AUSTIN V. MILLER



An appraiser named Janette Miller appraised the Austin family's home for 995K. The Austin family removed any evidence of their racial identity in the home, added a photo of their white friend and had their white friend present during the appraisal. The second appraiser appraised the home at 1.4M.

The Austin family and Fair Housing Advocates of Northern California sued Janette Miller and AMC Links, the appraisal management company, alleging **race discrimination**.

Fair Housing Advocates of Northern California and a Black couple settled an appraisal bias case against an appraiser. Under the settlement agreement the first appraiser paid an undisclosed monetary amount, was required to attend training sessions on the history of segregation and real estate discrimination and continued educational requirements.



DISABILITY DISCRIMINATION IN ASSISTED LIVING

SOUTHWEST FAIR HOUSING COUNCIL V. WG SCOTTSDALE LLC

Southwest Fair Housing Council (tester) told a Sierra Pointe rep that she was interested in the facility on behalf of her deaf grandfather. In response to a question by the tester as to how Sierra Pointe staff would communicate with her grandfather regarding financial and legal matters, the Sierra Pointe representative said they would use a white board and/or written notes. Staff said that the family would have to make arrangements for an ASL interpreter if it wished to have one.

SFHC alleged that WG Scottsdale had **violated the reasonable accommodation requirements** of the Fair Housing Act, the Americans with Disabilities Act, and state law by refusing to provide ASL interpreters for deaf persons.

Following trial, the district court enjoined WG Scottsdale from discriminating on the basis of hearing impairments or any other disability.

- WG Scottsdale was ordered to furnish all auxiliary aids and services, including qualified sign language interpreters, to persons who are deaf or hearing-impaired.
- To have agreements in place with sign language interpreter services.
- WG Scottsdale must develop a plan for accessibility and includes training and enforcement.



DISCRIMINATORY RULES

DEPT. OF FAIR EMPLOYMENT AND HOUSING V. VASONA MGT.

Vasona Management Co. prohibited any outdoor play activities and required parents to supervise children under the age of 14 in all common areas. Tenants who violated these rules faced the threat of eviction. Vasona Management Co. owns more than 30 apartment complexes and manages 48 apartment complexes.

A lawsuit alleged that Vasona discriminated against families with children by adopting overly restrictive rules.

Under the consent decree resolving the case, Vasona will pay \$3 million to aggrieved families and will implement corrective measures over 5 years, including:

- Submitting any rules about the supervision of children in common areas or resident's outdoor activities for California Civil Rights Department (CRD) review and approval.
- Distributing brochures to tenants about their rights.
- Creating and maintaining policies to prevent discrimination, including ways for tenants to report discrimination.
- Train for 4 hours annually anyone involved in the managing or renting of property.
- Provide an annual report to CRD regarding its compliance with the decree. Owner defendants are also prohibited from engaging in future discrimination.





**IF YOU BELIEVE YOU ARE
A VICTIM OF HOUSING
DISCRIMINATION IT IS
IMPORTANT TO SPEAK UP!**

YOU HAVE RIGHTS!



**WHEN YOU SPEAK UP YOU HELP STOP
HOUSING DISCRIMINATION FROM
CONTINUING IN YOUR COMMUNITY.**

SERI CAN HELP YOU FILE A COMPLAINT INQUIRY

- If you think you have experienced unlawful discrimination in housing due to your **race, color, national origin, religion, sex, familial status**, and/or **disability** you can file a complaint inquiry with us.
- We review each complaint inquiry, respond within 1 business day, and collect any other necessary intake information from you.
- We are a certified Arizona Relay Friendly Service Business Partner for those with hearing loss or speech disability.
- We take complaint inquiries in all languages through their use of a language service line.



SERI CAN HELP YOU FILE A COMPLAINT INQUIRY

- SERI collects initial intake information from complainants' inquiries and refers them to Southwest Fair Housing Council (SWFHC).
- SWFHC assists clients with allegations of illegal housing discrimination, provides investigative assistance, counseling, mitigation of complaints, and refers them to housing resources in Arizona.



SERI COMPLAINT INQUIRY HOTLINE



(520) 306-0938



Online Form



hotline@seriaz.org



We will respond within 1 business day and refer your complaint inquiry to the proper agency. SERI is an AZ Relay Friendly Business.



THANK YOU

THIS MATERIAL IS BASED ON WORK SUPPORTED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) UNDER FHIP GRANT FEOI 210028.

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